

Mr. BYRD. Madam President, would the Senator allow me 5 minutes before he makes that motion?

The PRESIDING OFFICER. Debate is not in order at this point.

Mr. BYRD. Madam President, I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I thank the distinguished majority leader for allowing me to have this privilege to address this question before he makes the motion to adjourn.

Madam President, I think this is a sad spectacle. We have had 30 days of debate. Both sides have poured out their hearts, have worked hard, and we came to the moment that we thought we were going to have a rollcall vote. We entered into an agreement to that effect. Now, if we had known that we were going to reach this kind of a travesty, this Senator would never have agreed to that unanimous-consent request.

Madam President, the Framers intended that, before the people at the State level should have an opportunity to ratify a constitutional amendment, it must be approved by both Houses of the Congress by a two-thirds vote, and it was here that the amendment was supposed to be probed and examined and carefully studied before it was sent on its way to the States.

Now, here is what we see: We see the sad spectacle of Senators on the other side trying to go over until tomorrow in order to get another vote for this amendment. It should be obvious to everyone that the main object here is to get that vote, as the distinguished majority leader says.

It boils down to an insatiable, insatiable desire to get a vote for victory. We are tampering with the Constitution of the United States! This is no place for deal-making, back-room huddles. No wonder the people have such a low estimation of the Congress. Going to make deals in the back room. I do not imply by what I am saying—I do not want to cast any aspersions on any Senator in particular.

But this is a process that we have worked our way through. We were told there would be a vote. We have waited on a vote. Up here the press is gathered. They want to see the outcome of this debate.

(Disturbance in the visitors' galleries.)

The PRESIDING OFFICER. The Chair will remind the occupants of the galleries there will be no expressions of approval or disapproval.

Mr. BYRD. Madam President, this has every appearance of a sleazy, tawdry effort to win a victory at the cost of amending the Constitution of the United States.

We have had our chances, why do we not vote? I hope we will vote, Madam President. Let us not wait until tomorrow. Now is the time for the decision. That is what we were told.

I deplore this tawdry effort here to go over until tomorrow so that additional pressures can be made on some poor Member in the effort to get this vote. Laugh if you must. Laugh! This is no laughing matter. We are talking about the Constitution of the United States. We were ready for a vote. Obviously, the proponents on the other side felt they were going to lose. We cannot win them all. We cannot lose them all. I think it is a sad day for the U.S. Senate if this is the way that we are going to go about amending the Constitution of the United States.

I thank the distinguished majority leader. I hope we will vote tonight.

Mr. DOLE. I ask for 5 minutes to respond and then I will make the motion. This is probably, as I said in my statement, the most important vote we will cast around here, maybe in our careers.

We do not take amending the Constitution lightly. But to suggest that somehow this is unprecedented, tawdry, whatever, in my view, is out of bounds. We have every right to use the rules to determine if we have the votes or if we can pick up votes, and I intend to do that. We have been on this amendment 115 hours, plus 20-some hours of quorum calls and votes. Nobody complained about that.

What about the 80 percent of the American people? Do you think they care whether we vote at 7 o'clock or 7:30 or 10 o'clock in the morning, the 80 percent who want this passed? Do Members think they feel the way the Senator from West Virginia feels? Absolutely not.

Now, we have some obligation to ourselves. Obviously, nobody is trying to put the arm on anybody around here. We have not made house calls. We have not knocked on the doors. We have gone in their offices. But we have good-faith negotiations going, and maybe they have helped. That is fine. If they have ended, there are still other options.

So I just suggest, Madam President, this is an important vote. If I thought there was one more vote tomorrow morning or two more votes or three more votes next week, I would make every effort I could to secure those votes, just as the distinguished Senator from West Virginia has done time after time after time in this body.

I think the sad spectacle is that we may lose this vote, whether it is tonight—it is not going to be tonight—whether it is tomorrow or later, where people who voted for the amendment before their election, vote against it after their election. What are the American people to think? What are the American people to think about any Member in this body? They sent us a loud and clear message last November, and as I said, nobody knows what the precise message was, but generally, it was to rein in the Federal Government, to give power back to the people and back to the States. That is what this amendment does.

So, in my view, by postponing this vote, we will attempt to reflect the will of 76 to 80 percent of the American people

and not the will of 20 percent. We may fail this time. I quoted earlier statements of Jefferson and Washington who had a little knowledge about what the Founding Fathers had in mind and who suggested themselves that there might come a time we would have to amend the Constitution. We should not pile up a debt on the next generation as we continue to do.

I want to commend, again, those who is worked on both sides of the aisle. This has been bipartisan, and it should be, and it still can be. I know the President is very strongly opposed to the balanced budget amendment. I know he has called Members. I know what happens when your President calls. We have gone through it on this side. It puts a lot of pressure on a Senator or a Member of Congress.

We have tried to improve the conditions by accepting or agreeing to an amendment offered by the distinguished Senator from Georgia, Senator NUNN. I just hope that all Senators will think about this overnight. Somebody could decide to vote the other way. We take a gamble. We might lose a vote. But in my view the gamble is worth taking. The risk is worth taking. I know the Senator from West Virginia—

Mr. HOLLINGS. Will the distinguished Senator yield for a question?

Mr. DOLE. No, I will not yield for a question.

I know the Senator from West Virginia feels strongly about this amendment, and he has a right to feel strongly about it. It does not mean he is right. He might be wrong. We may be right. If we cannot determine that tonight or tomorrow night we will determine it the next time the voters have a chance to speak.

RECESS UNTIL 10 A.M. TOMORROW

Mr. DOLE. Madam President, I move that the Senate stand in recess until 10 a.m., Wednesday, March 1.

The PRESIDING OFFICER. The question is on agreeing to the motion to recess.

So the motion was agreed to, and at 7:41 p.m., the Senate recessed until Wednesday, March 1, 1995, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 28, 1995:

THE JUDICIARY

Peter C. Economos, of Ohio, to be U.S. District Judge for the Northern District of Ohio, vice Frank J. Battisti, resigned.

Joseph Robert Goodwin, of West Virginia, to be U.S. District Judge for the Southern District of West Virginia, vice Robert J. Staker, retired.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Henry W. Foster, Jr., of Tennessee, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Surgeon General of the Public Health Service, for a term of 4 years, vice M. Joycelyn Elders, resigned.